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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE WA 98104-7092

In re Application of :
Ralf M. Luche et al :
Serial No.: 09/544,517 : PETITION DECISION
Filed: April 6, 2000 :
Attorney Docket No.: 200125.410 :

This is in response to the petition under 37 CFR 1.181, filed August 25, 2003, for withdrawal of abandonment of the above identified application based on a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due and a Notice of Allowability to applicants on December 31, 2002, setting a three month shortened statutory period for payment of the Issue Fee. The Issue Fee was paid on March 28, 2003. On March 12, 2003, the examiner mailed a supplemental Notice of Allowability to applicants requiring submission of new formal drawings and setting a three month statutory period for submission thereof. Applicants filed new drawings on May 7, 2003, which were acceptable. However, it was discovered that the specification referred to Figures 4A and 4B and these figures were not submitted. Publications Division mailed a Notice of Drawing Inconsistency to applicants on May 22, 2003, identifying the inconsistency and requiring applicants to correct the inconsistency within ONE MONTH, no extension of time being permitted. Upon failure to receive a reply the Office mailed a Notice of Abandonment to applicants on July 24, 2003. Applicants state that revised formal drawings showing Figures 4A and 4B were filed June 9, 2003, and provide a copy of the submission. The original submission has not been found. In view of the evidence presented the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the Publications Division for printing as a patent.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number.



Bruce M. Kishuk
Director, Technology Center 1600